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EXHIBIT

(I)

IN THE CIRCUIT COURT OF COVINGTON COUNTY ALABAMA

EX PARTE LARYIE EARL JONES,
DEFENDANT,

V.
STATE OF ALABAMA,
PLAINTIFF.

CASE NO: CC-2003-197-419-419
CC-2004-347

MOTION TO STRIKE SURPLUSAGE FROM INDICTMENT OR INFORMATION

COMES NOW THE DEFENDANT LARYIE EARL JONES, PRO, SE,
PURSUANT TO RULE 13, 2(d), ALABAMA RULES OF
CRIMINAL PROCEDURE, THE DEFENDANT MOVES THE COURT
FOR AN ORDER STRIKING AS SURPLUSAGE THE FOLLOWING
LANGUAGE:

1. FOR THE CHARGES OF A CONTROLLED SUBSTANCE,
WHEREVER IT APPEARS IN THE INDICTMENTS OR INFOR-
MATION.
2. AS GROUNDS FOR THIS MOTION, DEFENDANT SHOWS TO
THIS COURT AS FOLLOWS:
 - A. FOR THE CHARGES OF A CONTROLLED SUBSTANCE IN THE
INDICTMENTS OR INFORMATIONS, IS IRRELEVANCE AND
INFLAMMATORY, PREJUDICIAL EFFECT OF SURPLUSAGE.
 - B. THE DEFENDANT HAS NEW EVIDENCE, THAT THE STATE CAN
NOT PRODUCE ANY AMOUNT OF A CONTROLLED SUBSTA

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 NCE, ^{AND/OR} ANY MEASURABLE AMOUNT OF A CONTROLLED SUBSTANCE, THE STATE NEED TO PROVE BEYOND A REASONABLE DOUBT THAT THERE WAS A MEASURABLE AMOUNT OF CONTROLLED SUBSTANCE TO SUPPORT A CONVICTION, UNITED STATES, V. SIMS, 529 F.2d 10, 11 (8TH CIR 1976).

C. THE DEFENDANT IS CHARGE WITH A CONTROLLED SUBSTANCE IN EACH INDICTMENTS THE STATES HAS FAILED TO PRODUCE A CONTROLLED SUBSTANCE ITS INFLAMMATORY CHARGES.

D. THE DEFENDANT HAS SERVE OVER 15 MONTHS, FOR SOMETHING THAT THE STATES CAN NOT PRODUCE, AND THERE IS PREJUDICIAL EFFECT OF SURPLUSAGE.

WHEREFORE, DEFENDANT, PRAYS FOR AN ORDER BY THE COURT STRIKING THE AFOREMENTIONED LANGUAGE WHENEVER AND WHEREVER IT APPEARS IN THE INDICTMENT OR INFORMATION.

RESPECTFULLY SUBMITTED THIS THE 16 DAY OF
SEP, 2005 Sayre End Foster
 SIGNATURE OF DEFENDANT

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE PLEADING IS TRUE AND CORRECT.
9-16-05
 DATE Sayre End Foster
 SIGNATURE OF DEFENDANT